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VICTORIÆ REGINÆ.

Cap. cxcvii.

An Act to enable the *Cannock Chase and Wolverhampton* Railway Company to extend their Railway to *Hednesford* and to the *South Staffordshire* Railway in the County of *Stafford*; and for other Purposes. [16th July 1866.]

WHEREAS the making of the Railways herein-after described from the *Cannock Chase and Wolverhampton* Railway to the *Cannock Chase* Railway, and from the *Cannock Chase and Wolverhampton* Railway to the *Norton* Branch of the *South Staffordshire* Railway, and to the *South Staffordshire* Railway at the *Anglesey* Sidings, would be of local and public Advantage: And whereas the *Cannock Chase and Wolverhampton* Railway Company (in this Act called "the Company") incorporated by "The *Cannock Chase and Wolverhampton* Railway Act, 1864," (in this Act called "the Act of 1864,") are desirous of being authorized to make such Railways, and it is expedient to confer Powers upon the Company for such Purpose: And whereas Plans showing the Lines of the Railways Numbers 1 and 2 herein-after described (such Plans being distinguished by the Name of "*Cannock Chase and Wolverhampton* Railway (*Hednesford* Extension)"), and Plans showing the

27 & 28 Vict.
c. cccxii.

[Local.]

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Line

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Line of Railway Number 3, herein-after described (such last-mentioned Plans being distinguished by the Name of "*Cannock Chase and Wolverhampton Railway (Midland Railway Extension)*"), and respectively describing the Lands in or through which the same Railways may be made, and Sections attached to the said Plans respectively, showing the Levels of the Railways, and Books of Reference to the said Plans respectively have been deposited with the Clerk of the Peace for the County of *Stafford*, and such several Plans, Sections, and Books of Reference are in this Act referred to as the deposited Plans, Sections, and Books of Reference: And whereas Railway Number 3 in this Act is distinguished on the said Plans marked "*Cannock Chase and Wolverhampton Railway (Midland Railway Extension)*" as Railway Number 2: And whereas it is expedient to confer Powers upon the Company with reference to the Undertakings of the Company, but the Purposes aforesaid cannot be effected without the Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Short Title.

1. This Act may be cited for all Purposes as "*The Cannock Chase and Wolverhampton Railway Act, 1866.*"

Interpretation of Terms.

2. The Expression "the Extension Railway," used in this Act, means the Railways and other Works by this Act authorized to be made, and the several other Words and Expressions to which by the several Acts incorporated with and extended to this Act. Meanings are assigned have in this Act the same respective Meanings, unless there be in the Subject or Context something repugnant to or inconsistent with such Construction.

8 & 9 Vict.
cc. 18. & 20.,
23 & 24 Vict.
c. 106., and
26 & 27 Vict.
c. 92. in-
corporated.

3. "The Lands Clauses Consolidation Act, 1845," "The Railways Clauses Consolidation Act, 1845," Part I. of "The Railways Clauses Act, 1863," and "The Lands Clauses Consolidation Acts Amendment Act, 1860," are, except where expressly varied by this Act, incorporated with and form Part of this Act.

8 & 9 Vict.
c. 16. and
26 & 27 Vict.
c. 118. in-
corporated.

4. The following Provisions of "The Companies Clauses Consolidation Act, 1845," (to wit,)

With respect to the Distribution of the Capital of the Company into Shares;

With respect to the Transfer or Transmission of Shares;

With respect to the Payment of Subscriptions and the Means of enforcing the Payment of Calls;

With respect to the Forfeiture of Shares for Nonpayment of Calls;

With

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With respect to the Remedies of Creditors of the Company against the Shareholders;

With respect to the borrowing of Money by the Company on Mortgage or Bond;

With respect to the Conversion of the borrowed Money into Capital;

With respect to the Consolidation of the Shares into Stock;

With respect to the affording Access to the Special Act by all Parties interested;

And Part I. and Part II. of "The Companies Clauses Act, 1863," are, except where expressly varied by this Act, incorporated with this Act.

5. Subject to the Provisions of this Act and of the Acts and Parts of Acts incorporated herewith, the Company may make and maintain in the Line and according to the Levels shown on the deposited Plans and Sections the Railways herein-after described, with all proper Stations, Approaches, Works, and Conveniences connected therewith, and may enter upon, take, and use such of the Lands delineated on the said Plans and described in the deposited Books of Reference as may be required for that Purpose. The Railways herein-before referred to and authorized by this Act are:

Power to make Railways according to deposited Plans.

No. 1. A Railway, Two Miles Seven Furlongs and Six Chains or thereabouts in Length, commencing in the Township of *Burntwood*, in that Part of the Parish of *Saint Michael, Lichfield*, which lies in the County of *Stafford*, by a Junction with the authorized Line of the *Cannock Chase and Wolverhampton* Railway, and terminating in the Parish of *Cannock* in the County of *Stafford*, by a Junction with the *Cannock Chase* Railway:

No. 2. A Railway, Two Furlongs and One Chain and Twenty Links or thereabouts in Length, situated wholly in the Parish of *Norton*, otherwise *Norton Canes*, otherwise *Norton-under-Cannock* in the County of *Stafford*, commencing by a Junction with the authorized Line of the *Cannock Chase and Wolverhampton* Railway, and terminating by a Junction with the *Norton* Branch of the *South Staffordshire* Railway:

No. 3. A Railway, Two Miles and Eight Chains or thereabouts in Length, commencing in the Township of *Burntwood*, in that Part of the Parish of *Saint Michael, Lichfield*, which lies in the County of *Stafford*, and terminating in the Township of *Hammerwich* in the said Part of the said Parish of *Saint Michael, Lichfield*, by a Junction or Connexion with the Sidings adjoining the *South Staffordshire* Railway, there known as the *Anglesey* Sidings.

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Lands for extraordinary Purposes.

6. The Company from Time to Time may, by Agreement, purchase any Quantity of Land for the extraordinary Purposes mentioned in "The Railways Clauses Consolidation Act, 1845," not exceeding Five Acres, in addition to the Land which they are by the recited Acts and this Act authorized to take for such Purposes.

Powers for compulsory Purchases limited.

7. The Powers of the Company for the compulsory Purchase of Lands for the Purposes of this Act shall not be exercised after the Expiration of Three Years from the passing of this Act.

Period for Completion of Works.

8. The Extension Railway shall be completed within Five Years from the passing of this Act, and on the Expiration of that Period the Powers by this Act granted to the Company for executing the Railway, or otherwise in relation thereto, shall cease to be exercised, except as to so much thereof as shall then be completed.

Power to cross certain Roads on the Level.

9. Subject to the Provisions in "The Railways Clauses Consolidation Act, 1845," and in Part I. (relating to the Construction of a Railway) of "The Railways Clauses Act, 1863," contained in reference to the crossing of Roads on the Level, the Company may, in the Construction of the Extension Railway, carry the same with a single Line of Railway only whilst the Railway shall consist of a single Line, and afterwards with a double Line of Railway only, across and on the Level of the Road next herein-after mentioned; (that is to say,)

No. on deposited Plan.	Parish.	Description of Road.
No. 1 RAILWAY.		
27	Cannock - - -	Public Road.

Inclination of certain Roads.

10. In altering, for the Purposes of this Act, the Roads next herein-after mentioned, the Company may make the same of any Inclinations not steeper than the Inclinations herein-after mentioned in connexion therewith; (that is to say,)

No. on deposited Plan.	Parish.	Description of Road.	Intended Inclination.
No. 1 RAILWAY.			
27	Cannock -	Public Road	1 in 15.
No. 3 RAILWAY.			
7	Saint Michael, Lichfield	Public Road	1 in 16 on one Side and level on the other.

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11. The Company may make the Arches of the Bridges for carrying the Railway over the Roads next herein-after mentioned of any Heights and Spans not less than the Heights and Spans herein-after mentioned in connexion with those Roads respectively ; (that is to say,) Height and Span of Bridges.

No. on deposited Plan.	Parish.	Description of Road.	Height.	Span.
No. 1 RAILWAY.				
2	Cannoc	- Highway - -	Feet. 15	Feet. 20
37	Cannoc	- Highway - -	15	20

12. It shall not be lawful for the Company or any Person in execution of this Act to alter the Course of any of the Canals belonging to the Company of Proprietors of the *Birmingham* Canal Navigations, in this Act called the *Birmingham* Canal Company, or to contract the Width of the same, or any of them, or the Towing-paths thereof, or any of them, or any Space reserved or intended as a Towing-path or Paths thereof, or to obstruct the Course or Supply of the Water in or to the said Canals, or any of them, or in any Manner to impede the Navigation thereof, or the Access thereto, or to any Wharf or Wharves of the *Birmingham* Canal Company adjoining thereto, or to injure any of the Banks or other Works of or belonging to the said Canals, or any of them ; and it shall not be lawful for the Company to take or interfere with the said Canals, or any of them, or any of the Lands of the *Birmingham* Canal Company, or to make any lateral Deviation from the Course or Direction of the said Railways hereby authorized, or any of them, as delineated on the said Plans so deposited as aforesaid, by which Deviation any of the Lands, Wharves, Warehouses, Buildings, Locks, Side Ponds, Towing-paths, Bridges, Reservoirs, Feeders, or other Works of any kind of the *Birmingham* Canal Company shall be taken, used, or damaged, without the Consent in Writing of the *Birmingham* Canal Company under their Common Seal first had and obtained. Company not to alter the Course or obstruct the Navigation of Birmingham Canals.

13. Nothing in this Act contained shall extend to prejudice, diminish, alter, or take away any of the Rights, Privileges, Powers, or Authorities vested in the *Birmingham* Canal Company, in and by all or any of the several Acts of Parliament now in force relating to the said Canals, except as is expressly enacted by this Act. Company not to interfere with Rights, &c. of the Canal Company.

14. Whereas pursuant to the Standing Orders of both Houses of Parliament, and to an Act of the Ninth Year of Her present Majesty, Chapter Twenty, Reduced Three Pounds *per Centum* Annuities to the Amount of Two thousand one hundred and fifty-three Pounds Seventeen Shillings and Tenpence have been transferred, pursuant to the Deposit Money not to be repaid until Line opened or Half the Capital paid up and ex-

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pended,
except on
Execution of
Bond, &c.

said Act, in respect of the Application to Parliament for this Act, so far as respects Railways 1 and 2, to the Accountant-General of the Court of Chancery, *ex parte* the Undertaking of the *Cannock Chase and Wolverhampton Railway (Hednesford Extension) Bill*; and Reduced Three Pounds *per Centum* Annuities to the Amount of a Sum of Seventeen thousand one hundred and seventy-two Pounds Eighteen Shillings and Twopence have been transferred, pursuant to the said Act, in respect of the Application to Parliament for this Act, to the said Accountant-General, *ex parte* the Undertaking of the *Cannock Chase and Wolverhampton Railway (Midland Railway Extension) Bill*: And whereas Part of the Undertaking originally proposed, under the Title of *Cannock Chase and Wolverhampton Railway (Midland Railway Extension) Bill*, is abandoned, and, except as so abandoned, the Undertakings before mentioned have been consolidated and are authorized by this Act, and the Estimate of Expense of the Railways authorized by this Act is the Sum of Thirty-two thousand one hundred and thirty-one Pounds: Be it enacted, That, notwithstanding anything contained in the said recited Act, so much of the said Two thousand one hundred and fifty-three Pounds Seventeen Shillings and Tenpence Reduced Three Pounds *per Centum* Annuities, and of the Seventeen thousand one hundred and seventy-two Pounds Eighteen Shillings and Twopence like Annuities, as at the Time of the Transfer thereof represented the Sum of Two thousand five hundred and seventy-one Pounds in Money (being upwards of Eight *per Centum* on the said Estimate of the Railways authorized by this Act), and so transferred as aforesaid in respect of the Application for this Act, or the Interest or Dividends thereon, shall not, except upon the Execution and Deposit of such Bond as herein-after mentioned, be paid or transferred to or on the Application of the Person or Persons or the Majority of the Persons named in the Warrant or Order issued in pursuance of the said Act, or the Survivors or Survivor of them, unless the Company shall, previously to the Expiration of the Period limited by this Act for the Completion of the Railway, either open the Railway for the public Conveyance of Passengers, or prove to the Satisfaction of the Lords of the Committee of Her Majesty's Privy Council for Trade and Foreign Plantations that the Company have paid up One Half of the Amount of the Capital by this Act authorized to be raised by means of Shares, and have expended for the Purposes of this Act a Sum equal in Amount to such One Half of the said Capital; and if the said Period shall expire before the Company shall either have opened the Railway for the public Conveyance of Passengers, or have given such Proof as aforesaid to the Satisfaction of the Lords of the said Committee, the Stocks so transferred as aforesaid, representing the said Sum of Two thousand five hundred and seventy-one Pounds, and the Interest and Dividends thereof, shall immediately from and after the Expiration of the said Period be forfeited to Her Majesty, and be [] paid

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paid and transferred by the Officer or Person in whose Name they shall then be deposited or invested to the Account of Her Majesty's Exchequer, and when so paid and transferred shall be carried to and form Part of the Consolidated Fund of the United Kingdom of *Great Britain and Ireland*: Provided that at any Time after the passing of this Act if a Bond in Twice the Amount of the said Sum of Two thousand five hundred and seventy-one Pounds shall have been executed by the Company, with One or more Surety or Sureties (such Bond to be prepared to the Satisfaction of and such Surety or Sureties to be approved by the Solicitor to the Lords Commissioners of Her Majesty's Treasury), conditioned for the Payment to Her Majesty, Her Heirs or Successors, of the said Sum of Two thousand five hundred and seventy-one Pounds if the Company shall not, within the Time limited for the Completion of the Railway, either open the Railway for the public Conveyance of Passengers, or prove to the Satisfaction of the Lords of the said Committee that the Company have paid up One Half of the Amount of the Capital by this Act authorized to be raised by means of Shares, and have expended for the Purposes of this Act a Sum equal in Amount to such One Half of the said Capital, and if such Bond shall have been deposited with the Solicitor to the said Lords Commissioners, then such Stocks so transferred, representing the said Sum of Two thousand five hundred and seventy-one Pounds, and the Interest or Dividends thereof, shall be paid and transferred to or on the Application of the Person or Persons or the Majority of the Persons named in such Warrant or Order as aforesaid, or the Survivors or Survivor of them, and it shall not be necessary to produce any Certificate of this Act having passed, anything in the said recited Act to the contrary notwithstanding; and the Monies to be recovered upon such Bond shall be dealt with in like Manner as the said Stocks so transferred, and the Interest or Dividends thereof, would have been dealt with under this Act if such Bond had not been executed and deposited as aforesaid; and the Certificate of the said Solicitor to the said Lords Commissioners that such Bond has been executed and deposited as aforesaid, and the Certificate of the Lords of the said Committee that such Proof has been given to their Satisfaction as aforesaid, shall respectively be sufficient Evidence of the Facts so certified.

15. The Court of Chancery may order that so much of the said Two thousand one hundred and fifty-three Pounds Seventeen Shillings and Tenpence and Seventeen thousand one hundred and seventy-two Pounds Eighteen Shillings and Twopence Reduced Three Pounds *per Centum* Annuities as may remain after deducting the Amount of the said Annuities representing the said Sum of Two thousand five hundred and seventy-one Pounds, and any Dividends thereon, may be transferred and paid to the Company, or to such Persons or Person

Court of
Chancery
may order
Payment of
surplus
Deposit.

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as the Company may appoint on that Behalf; and upon such Order being made such Portion of the said Annuities remaining after such Deduction, and the Dividends thereon, shall be transferred and paid to the Company, or to such Person or Persons as the Company shall appoint.

Power to raise additional Capital.

16. In addition to the Sum or Sums of Money which the Company are authorized to raise by the Act of 1864, the Company may from Time to Time raise, by the Creation of new Shares of the nominal Value of Ten Pounds each, any Sums not exceeding in the whole Sixty thousand Pounds; and the Company may create and issue such Shares as new Ordinary Shares, at such Times and to such Persons as the Company from Time to Time may think fit.

New Capital to be subject to same Incidents as Capital authorized by recited Act.

17. Except as by or under the Provisions of this Act otherwise provided, the new Share Capital created by virtue of this Act shall be considered as Part of the general Capital of the Company, and shall be subject to the same Provisions in all respects, whether with reference to the Payment of Calls, or the Forfeiture of Shares on Nonpayment of Calls, or otherwise, as if it had been Part of the original Capital of the Company, except as to the Times of making Calls thereon, and the Amount of such Calls, which respectively it shall be lawful for the Directors of the Company, subject as herein mentioned, from Time to Time to fix as they shall think fit.

Votes and Qualifications in respect of new Shares.

18. The new Shares shall confer on the Holders thereof Rights of voting and Qualifications in proportion to the whole Amount for the Time being paid up thereon respectively.

Shares not to issue until One Fifth paid up.

19. The Company shall not issue any Share created under the Authority of this Act, nor shall any Share vest in the Person accepting the same, unless and until a Sum not being less than One Fifth of the Amount of such Share shall have been paid in respect thereof.

Calls.

20. One Fifth of the Amount of a Share shall be the greatest Amount of a Call, and Three Months at least shall be the Interval between successive Calls, and Three Fourths of the Amount of a Share shall be the utmost aggregate Amount of the Calls made in any Year upon any Share.

Power to borrow on Mortgage.

21. The Company may, in addition to any Money authorized to be borrowed by the Act of 1864, from Time to Time borrow on Mortgage any Sum not exceeding in the whole Twenty thousand Pounds, but no Part thereof shall be borrowed until the whole Capital of Sixty thousand Pounds is subscribed for, issued, and accepted, and

One

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One Half thereof is paid up, and the Company have proved to the Justice who is to certify under the Fortieth Section of "The Companies Clauses Consolidation Act, 1845," before he so certifies, that the whole of such Capital has been subscribed for, issued, and accepted, and that One Half thereof has been paid up, and that not less than One Fifth Part of the Amount of each separate Share has been paid on account thereof before or at the Time of the Issue or Acceptance thereof, and that such Capital was issued *bonâ fide*, and is held by the Subscribers or their Assigns, and that such Subscribers or their Assigns are legally liable for the same; and upon Production to such Justice of the Books of the Company, and of such other Evidence as he shall think sufficient, he shall grant a Certificate that the Proof aforesaid has been given, which Certificate shall be sufficient Evidence thereof.

22. All Mortgages granted by the Company before the passing of this Act, and which shall be in force at the Time of the passing of this Act, shall have Priority over all Mortgages granted by virtue of this Act. Priority of existing Mortgages.

23. The Mortgagees of the Company may enforce Payment of Arrears of Principal and Interest due on their Mortgages by the Appointment of a Receiver, and in order to authorize the Appointment of a Receiver the Amount owing to the Mortgagees by whom the Application for a Receiver shall be made shall not be less than Two thousand Pounds in the whole. Arrears may be enforced by Appointment of a Receiver.

24. All Monies to be borrowed on Mortgage under this Act, or under any former Act authorizing the Company to borrow Money on Mortgage, from the Time when the said Monies shall be advanced, and the Interest for the Time being due thereon, shall, subject to the Priority hereby given to existing Mortgages, have Priority against the Company, and the Property from Time to Time of the Company, over all other Claims on account of any Debts incurred or to be incurred, or Engagement entered into or to be entered into, by them: Provided always, that such Priority shall not prejudice or affect any Claim, Right, or Remedy against the Company or their Property in respect of any Rentcharge granted or to be granted by them in pursuance of the Provisions of "The Lands Clauses Consolidation Act, 1845," or "The Lands Clauses Consolidation Acts Amendment Act, 1860," nor shall anything herein-before contained prejudice or affect the Lien of any Vendor for the unpaid Purchase Money of any Land taken by the Company for the Purposes of the Railway. Monies borrowed on Mortgage to have Priority.

25. All Monies raised under the Powers of this Act by Shares or by borrowing shall be applied for the Purposes of the Act of 1864 and of this Act only. Application of Capital.

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Tolls on
Extension
Railway.

26. The Company may demand and take upon, for, and in respect of the Extension Railway the like Tolls, Rates, and Charges as they are for the Time being authorized to take for and in respect of the Railways by the Act of 1864 authorized to be made, and in the same Manner, and with, under, and subject to the same Powers and Provisions in all respects, as if the Extension Railway formed Part of the Railways authorized by the Act of 1864.

As to short
Distances.

27. In estimating the Tolls and Charges to be paid for short Distances in respect of Articles or Persons conveyed over the Extension Railway, and also over the Railways to be constructed, under the Powers of the Act of 1864, the Distances traversed shall be reckoned continuously on such Railways as if the Railways were One Railway.

As to cer-
tain Mineral
Traffic.

28. If any Owners, Lessees, or Occupiers of any Mines and Minerals shall provide Engines and Carriages for their own Mineral Traffic on any of the Railways of the Company, the Toll to be demanded and taken by the Company for the Use of the Railway including Water and Siding Accommodation shall not exceed One Halfpenny *per Ton per Mile*, provided the Distance run be not less than Six Miles, or Tolls be paid as for Six Miles, and each Train Load be not less than One hundred Tons.

Interest not
to be paid
on Calls
paid up.

29. The Company shall not, out of any Money by this Act authorized to be raised by Calls or by borrowing, pay Interest or Dividend to any Shareholder on the Amount of the Calls made in respect of the Shares held by him: Provided always, that this Act shall not prevent the Company from paying to any Shareholder such Interest on Money advanced by him beyond the Amount of the Calls actually made as is in conformity with "The Companies Clauses Consolidation Act, 1845."

Deposits for
future Bills
not to be
paid out of
Capital.

30. The Company shall not, out of any Money by this Act authorized to be raised, pay or deposit any Sum which by any Standing Order of either House of Parliament now or hereafter in force may be required to be deposited in respect of any Application to Parliament for the Purpose of obtaining an Act authorizing the Company to construct any other Railway, or to execute any other Work or Undertaking.

Railway
not exempt
from Pro-
visions of
present and
future
General
Railway
Acts.

31. Nothing herein contained shall be deemed or construed to exempt the Railway by this or the recited Act authorized to be made from the Provisions of any General Act relating to Railways, or the better and more impartial Audit of the Accounts of Railway Companies, now in force or which may hereafter pass during this or any future Session of Parliament, or from any future Revision or Alteration, under the Authority of Parliament, of the maximum Rates of Fares

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Fares and Charges, or of the Rates for small Parcels, authorized by this Act or the recited Act.

32. All Costs, Charges, and Expenses of and incident to the preparing for, obtaining, and passing of this Act, or otherwise in relation thereto, shall be paid by the Company. Expenses of Act.

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THE HISTORY OF THE
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BY
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AND
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